

FORTY-NINTH DAY

(Wednesday, April 15, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Lane Russell

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, teach us now that life can be lived on three levels: The beast, eat, drink, and be merry; the intellectual, think and reason; and the spiritual level. Thou art a spirit, we are spirit. Grant to us that we may learn and live by the natural laws in the Spirit world. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Wagonseller.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Reports of Standing Committees

Senator Strauss submitted the following report:

Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 305, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman

Senator Fuller submitted the following report:

Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 267, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman

Senator Lock submitted the following reports:

Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 292, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOCK, Chairman

Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 293, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOCK, Chairman.

Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 846, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOCK, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 15, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Bill No. 23 by vote of 125 yeas, 2 nays.

Respectfully submitted,

CLARENCE JONES, Chief Clerk.
Hall of the House of Representatives,

Motion to Place House Bill 39 on Second Reading

Senator Bell asked unanimous consent of the Senate to suspend the regular order of business and take up H. B. No. 39 on its second reading and passage to third reading.

There was objection.

Senator Bell then moved to suspend the regular order of business and take up H. B. No. 39 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—13

Bell	Parkhouse
Bracewell	Phillips
Corbin	Sadler
Kazen	Shireman
Kelley	Strauss
Latimer	Willis
Moore	

Nays—9

Aikin	Moffett
Ashley	Rutherford
Hardeman	Wagonseller
Martin	Weinert
McDonald	

Absent

Colson	Rogers
Fuller	of Childress
Hazlewood	Rogers of Travis
Lock	Secrest

Absent—Excused

Lane	Russell
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Reason for Vote on House Bill 39

My reason for voting against suspending the rules in order to take up House Bill No. 39 was occasioned by the fact that I have always and continually voted against any type of automobile inspection law. I think the inspection law should be abolished and I am not willing to vote for any measure which simply amends and continues it.

WARREN McDONALD

Resolution Signed

The President signed, in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 38, Relating to the 50th Muster Day of the Texas A. and M. College.

House Bill 846 Ordered Not Printed

On motion of Senator Lock, and by unanimous consent of the Senate, H. B. No. 846 was ordered not printed.

House Bill 267 Ordered Not Printed

On motion of Senator Ashley, and by unanimous consent of the Senate, H. B. No. 267 was ordered not printed.

Senate Resolution 227

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Seventh Grade Junior Hi Class of Stephen F. Austin School from Galveston, and their sponsor, Mrs. V. W. Pfeiffer; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senator Phillips presented the students and Mrs. Pfeiffer to the Members of the Senate.

Senate Resolution 228

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics Class of San Saba High School, 12th Grade, accompanied by Miss Helen Lidstone, teacher and sponsor; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ashley presented the students and Miss Lidstone to the Members of the Senate.

House Bill 846 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 846, An Act making an appropriation of the sum of seven hundred and fifty thousand (\$750,000) dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay contingent expenses and to pay the mileage and per diem of Members, etc.

The bill was read second time and passed to third reading.

House Bill 846 on Third Reading

Senator Lock moved that the Constitutional rule requiring bills to be read on three several days be suspended and that H. B. Bill No. 846 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin

Ashley

Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

Absent—Excused

Lane

Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Lane

Russell

House Joint Resolution 10 on Second Reading

On motion of Senator Hardeman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

H. J. R. No. 10, Proposing amendment to the Constitution of the State of Texas by amending Section 1 of Article VI so as to confer the right to vote upon members of the regular establishment of the United States Army, Navy, Marine Corps, or Air Force, or component branches thereof, provided such person shall meet the residence requirements for voting as

prescribed in Section 2 of Article VI of the Constitution of Texas and that such person shall have established his legal residence in Texas prior to entry into the regular armed forces of the United States, and has paid his poll tax or secured his exemption certificate, etc.; and declaring an emergency.

The resolution was read second time.

Senator Hardeman offered the following committee amendment to the resolution:

Committee Amendment No. 1.

Amend H. J. R. No. 10 by inserting in Section 2 thereof, between the words "held" and "in," the following words: "on the first Thursday after the first Monday".

The committee amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. No. 10 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Section 1 of Article VI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

'Section 1. Persons Not Allowed to Vote. The following classes of persons shall not be allowed to vote in this State, to-wit:

First: Persons under twenty-one (21) years of age.

Second: Idiots and lunatics.

Third: All paupers supported by any county.

Fourth: All persons convicted of any felony, subject to such exceptions as the Legislature may make.'

Section 2: Poll Tax Payment Required of Voters. Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall

have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner the wife may pay the poll tax of her husband and receive the receipt therefor. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation.

Section 2-a. Poll Tax Exemption for Former Members of Armed Forces, etc., of the United States: Limitations. Nothing in this Constitution shall be construed to require any person, who at the time of the holding of an election hereinafter referred to is, or who, within eighteen months immediately prior to the time of holding any such election was, a member of the armed forces of the United States or of the Armed Force Reserve of the United States, or of any branch or component part of such armed forces or Armed Force Reserve, or the United States Maritime Service or the United States Merchant Marine, and who is otherwise a qualified voter under the laws and Constitution of this State, to pay a poll tax or to hold a receipt for any poll tax assessed against him, as a condition precedent to his right to vote in any election held under the authority of the laws of this State, during the time the United States is engaged in fighting a war, or within one year after the close of the calendar year in which said war is terminated."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1954, at which all ballots shall have printed thereon (or in counties using voting machines the machines shall provide for) the following:

"FOR: The amendment to Sections 1, 2 and 2-a of Article VI of the

Constitution of Texas conferring the privilege to vote upon any person who is a member of the regular establishment of the United States Army, Navy, Marine Corps, or component branches thereof; providing for poll tax payments by voters, and providing for poll tax exemptions for former members of the Armed Forces of the United States."

"AGAINST: The amendment to Sections 1, 2 and 2-a of Article VI of the Constitution of Texas conferring the privilege to vote upon any person who is a member of the regular establishment of the United States Army, Navy, Marine Corps, or component branches thereof; providing for poll tax payments by voters, and providing for poll tax exemptions for former members of the Armed Forces of the United States."

Each voter shall mark out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment; and if it shall appear from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the Constitution of the State of Texas.

Section 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State. The expense of publication and election for such amendment shall be paid out of proper appropriation made by law.

Senator Rutherford offered the following amendment to the amendment:

Amend Amendment No. 2 to H. J. R. No. 10, in Section 2-a by striking out the words "or the United States Maritime Service or the United States Merchant Marine".

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—27

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Parkhouse
Hazlewood	Phillips
Kazen	Rogers
Kelley	of Childress
Latimer	Rogers of Travis

Rutherford	Strauss
Sadler	Wagon seller
Secrest	Weinert
Shireman	Willis

Nays—1

Aikin

Absent

Fuller

Absent—Excused

Lane

Russell

Senator Shireman offered the following amendment to the amendment:

Amend Amendment No. 2 for H. J. R. No. 10, page 2, Section 2-a, as follows: By inserting at the end of line 8 the following: "who at or before his entry into any branch or component part of such Armed Forces or Armed Force Reserve was a resident of the State of Texas, as provided in Section 2."

The amendment to the amendment was adopted.

Question—Shall the amendment by Senator Hardeman to H. J. R. No. 10, as amended, be adopted?

Adjournment

On motion of Senator Weinert, the Senate at 11:40 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

FIFTIETH DAY

(Thursday, April 16, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Weinert
Moffett	Willis